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PATENT APPLICATION

ATTORNEY DOCKET NO. 10013070 -1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kurt E. Spears et al

Confirmation No.: 3181

Application No.: 09/919008

Examiner: Luu, Thanh X

Filing Date: Jul 31, 2001

Group Art Unit: 2878

Title: Optical Image Scanner With Variable Focus (as Amended)

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

OFFICIAL

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 11/10/2003, rejecting the following claims 1, 9, 17 and 18.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$330.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

(X) one month	\$110.00
( ) two months	\$420.00
( ) three months	\$950.00
( ) four months	\$1480.00

( ) The extension fee has already been filed in this application.

( ) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$440.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

( ) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: \_\_\_\_\_

OR

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-9306 on 03/08/2004.

Number of pages: 2

Typed Name: Donna M Kraft

Signature: Donna M Kraft

Respectfully submitted,

Kurt E. Spears et al

By Augustus W Winfield

Augustus W Winfield

Attorney/Agent for Applicant(s)

Reg. No. 34,046

Date: 03/08/2004